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C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 006678

SIPDIS

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TAGS: [KJUS](#) [PTER](#) [SNAR](#) [PHUM](#) [PREL](#) [CO](#) [AUC](#)

SUBJECT: PEACE COMMISSIONER OPTIMISTIC ON AUC DEMOBILIZATION

Classified By: Ambassador William B. Wood for reasons

1.4 (b) and (d)

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Summary

1. (C) Peace Commissioner Luis Carlos Restrepo told the Ambassador on July 11 that dismantlement, security, and justice were key to the peace process's success. He said his responsibility was to deliver AUC members, disarmed and identified, to the justice system and that the Peace and Justice Law would ensure justice. Restrepo was optimistic for the first time ever that even the most militant AUC commanders were serious about demobilizing and that the entire AUC structure would be demobilized by the end 2005. He acknowledged that the GOC was on the defensive in selling the Law for Peace and Justice. He expressed concern that implementing the justice provisions of the law before the remaining AUC blocs were fully identified, disarmed, and demobilized could jeopardize the peace process, but emphasized that he would not impede justice in any way. The Ambassador warned Restrepo that the GOC could not afford to wait any longer to demonstrate its control over the AUC and capacity to implement justice. Restrepo agreed to review U.S. concerns with President Uribe. He said the GOC needed an estimated 262 billion pesos (USD 114 million) to increase police presence in former paramilitary-dominated areas and hoped the U.S. could provide assistance, in particular for a counternarcotics component. End summary.

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Ordinary Justice Takes Precedent

2. (C) On July 11, Peace Commissioner Restrepo acknowledged to the Ambassador that the GOC was on the defensive in selling the Law for Justice and Peace. But he stressed that the law clearly stated that the ordinary justice system takes precedent and that the Justice and Peace Law was only the exception under certain conditions. It only applied to crimes an ex-terrorist admitted, and only if he fully demobilized, cooperated with authorities, and turned over all illicit assets. In the case of crimes not admitted, the case must be heard by to ordinary justice. Benefits were only possible if the court decreed that the omission was unintentional and the ex-terrorist accepted guilt. Even so, he would still receive a longer alternative sentence. Restrepo also noted that there was nothing in the law to prevent investigations on new evidence after the ex-terrorist had already begun serving his alternative sentence, or at any time thereafter. He expected victims to come forward once AUC commanders were in jail because they would no longer fear reprisal. The Ambassador urged Restrepo to explain this to the public.

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Restrepo: The End is in Sight

3. (C) Restrepo told the Ambassador that he was confident -- for the first time ever -- that the AUC would demobilize its remaining blocs and criminal structures by the end of 2005. He said his responsibility was to deliver the entire AUC, fully identified and demobilized, to justice. After sustained pressure from Restrepo, the Central Bolivar Bloc (BCB) commanders and other hard-liners Ramon Isaza and "Jorge 40" had pledged to demobilize their blocs in two public communiques. Once demobilized, these units, combined with senior AUC commander Don Berna,s last two blocs, would mark the end of the AUC.

4. (C) Restrepo explained that he had taken advantage of AUC confusion over the Law for Justice and Peace and internal leadership divisions to secure the commanders' commitment to demobilize completely. AUC leadership and their lawyers believed speculation from NGOs and opposition groups that the law would allow for impunity. Restrepo was rushing to demobilize the rest of the AUC before they realized that the law would make them confess, put them in jail, and take away all their illicit assets. Once the commanders had demobilized their troops and were under government control, they would have little choice but to submit to authorities.

5. (C) Restrepo expressed concern that implementing tougher aspects of the law before the remaining active paramilitary

commanders and their blocs demobilized could make them abandon the process. He said he needed until the end of the year to dismantle the rest of the AUC. Nevertheless, Restrepo emphasized that he would not impede or try to influence the Colombian justice system in any way.

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Ambassador: Demonstrate Justice  
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16. (C) The Ambassador acknowledged that Restrepo was in a difficult position, but warned that the GOC had to immediately demonstrate it would hold AUC members accountable for their crimes, implement the law, and control the peace process. In the face of accusations of impunity and being soft on paramilitaries, the GOC could not afford to wait until the rest of the demobilizations were complete. The Ambassador suggested several options: (1) development of a clear, publicly available procedure, with institutional responsibilities, for each step of identification, demobilization, renunciation, initial interview, separation into "non-serious cases under law 782" and "serious cases under the Peace and Justice law," investigation, incarceration, judgment, and punishment, (2) acceleration of judicial processing of the blocs already demobilizing and about to demobilize, (3) issuance of an ultimatum with a date certain for closure of Santa Fe de Ralito to force a decision to demobilize or not on the paramilitary leaders, and/or (4) enforcement of punishment and extradition of a few "demonstration cases," including Don Berna, who had violated the cease-fire in addition to his other crimes.

17. (C) The Ambassador emphasized that the GOC needed to prevent AUC commanders and any other known serious criminals from going free. These individuals needed to be put in confinement and processing begun under the Justice and Peace Law. Otherwise, critics would jump at the opportunity to "prove" the GOC was allowing impunity. The Ambassador noted he was not asking the government to identify every paramilitary guilty of a major crime immediately upon demobilization. He recognized that the Prosecutor General's Office (Fiscalia) would need time to interrogate and investigate demobilized paramilitaries who did not already face charges, in order to determine if they needed to be processed under the Justice and Peace Law or could be pardoned under Law 782.

18. (C) Restrepo agreed the GOC's three top priorities for the peace process were dismantlement, justice, and security. He said he would review the issue from the U.S. point of view with President Uribe and seek a solution.

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Security in AUC Territory  
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19. (C) Restrepo was concerned that guerrilla groups and narcotraffickers would move into former AUC territory. As a result, his office, with input from the Ministry of Interior and Justice, Defense Ministry, and others, had developed a security plan that calls for the creation of police force of 10,000 and strengthened state presence. The police force would have 8,000 troops specialized in intelligence, investigation, judicial issues, counter guerrilla operations, and community outreach and 2,000 specialized in counternarcotics and asset forfeiture. Restrepo estimated the GOC would need approximately 262 billion pesos (USD 114 million) in funding. Part of this could come from a "peace tax." Restrepo expressed hope that the U.S. would be able to provide assistance, especially for counternarcotics. The Ambassador offered to back the idea of a peace tax, but warned that additional funding, especially in the face of skepticism about the Justice and Peace Law, would be difficult.

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